#### COOK COUNTY SHERIFF'S MERIT BOARD

| Sheriff of Cook County | ) |                 |
|------------------------|---|-----------------|
| •                      | ) |                 |
| vs.                    | ) |                 |
|                        | ) | Docket No. 1868 |
| Correctional Sgt.      | ) |                 |
| Ronald Kolnicki, Jr.   | ) |                 |
| Star # 3193            | ) |                 |
|                        |   |                 |

### **DECISION**

This matter coming on to be heard pursuant to notice before James P. Nally, Board Member, on May 22, May 23, July 6, and September 14, 2017, the Cook County Sheriff's Merit Board finds as follows:

### **Jurisdiction**

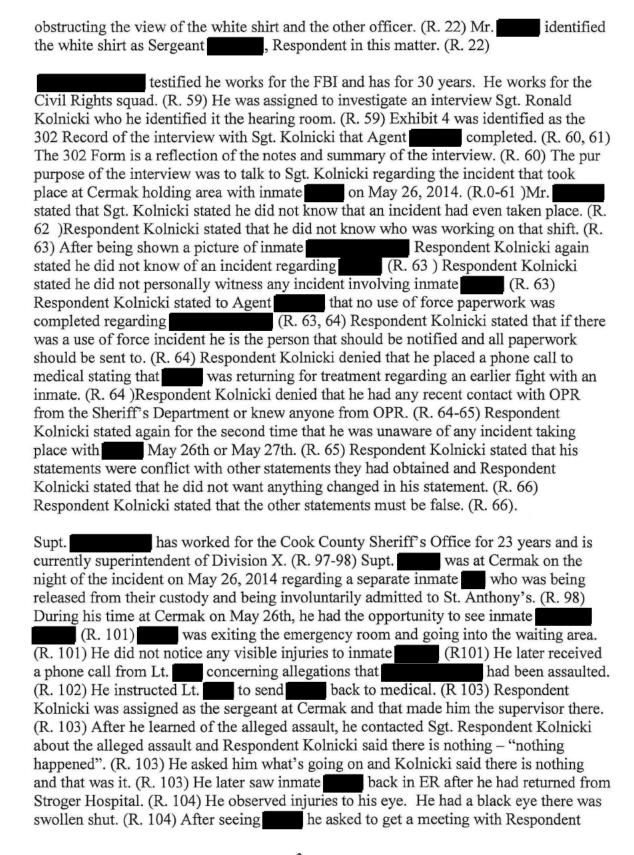
Ronald Kolnicki, Jr., hereinafter Respondent, was appointed a Correctional Officer on November 26, 2007, and was promoted to Correctional Sgt. on August 21, 2011. Respondent's position as a Correctional Sgt. involves duties and responsibilities to the public; each member of the Cook County Sheriff's Merit Board, hereinafter Board, has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; the Board has jurisdiction of the subject matter of the parties in accordance with 55 ILCS 5/3-7001, et seq; and the Respondent was served with a copy of the Complaint and notice of hearing and appeared before the Board with counsel to contest the charges contained in the Complaint.

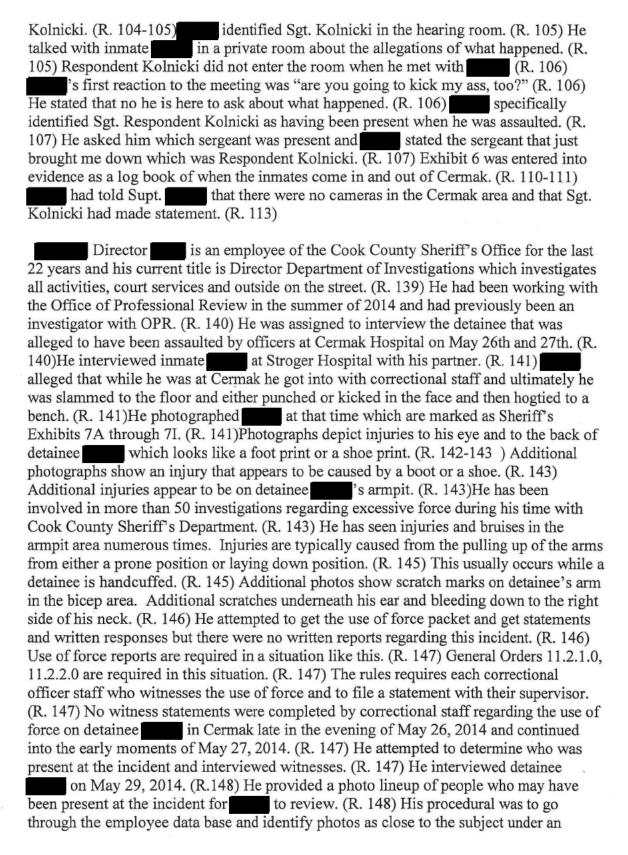
As a threshold matter, a proceeding before the Merit Board is initiated at the time the Sheriff files a written charge with the Merit Board. 55 ILCS 5/3-7012. A document is considered filed, in this case with the Merit Board, "when it is deposited with and passes into the exclusive control and custody of the [Merit Board administrative staff], who understandingly receives the same in order that it may become a part of the permanent records of his office." See Dooley v. James A. Dooley Associates Employees Retirement Plan, 100 Ill.App.3d 389, 395 (1981)(quoting Gietl v. Comminssioners of Drainage District No. One, 384 Ill. 499, 501-502 (1943) and citing Hamilton v. Beardslee, 51 Ill. 478 (1869)); accord People ex rel. Pignatelli v. Ward, 404 Ill. 240, 245 (1949); in re Annex Certain Terr. To the Village of Lemont, 2017 IL App (1st) 170941, ¶ 18; Illinois State Toll Highway Authority v. Marathon Oil Co., Ill. App. 3d 836 (1990) ("A 'filing' implies delivery of a document to the appropriate party with the intent of having such document kept on file by that party in the appropriate place." (quoting Sherman v. Board of Fire & Police Commissioners, 111 Ill. App. 3d 1001, 1007 (1982))); Hawkyard v. Suttle, 188 Ill. App. 168, 171 (1914 ("A paper is considered filed when it is delivered to the clerk for that purpose.").

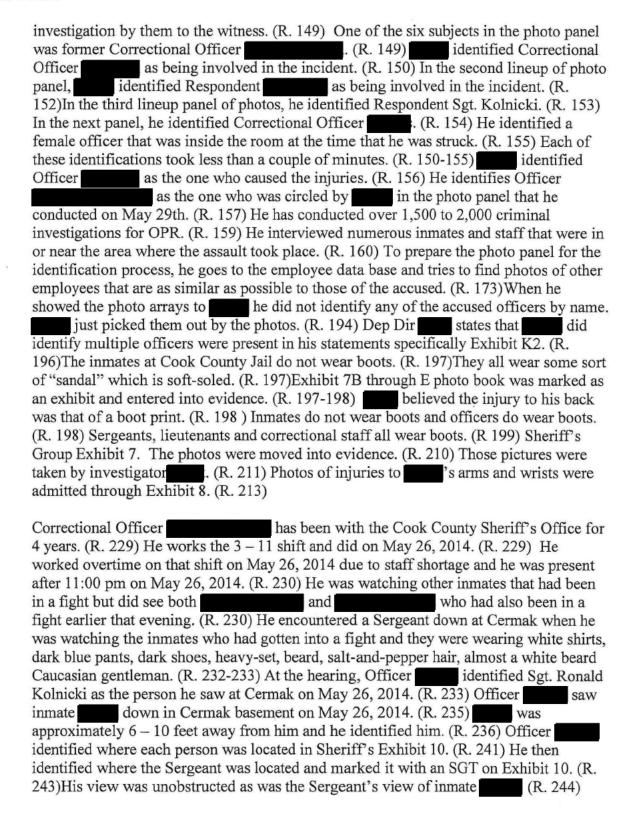
The original Complaint in this matter was filed with the Merit Board's administrative staff on February 3, 2016. Regardless of whether or not Merit Board Members were properly appointed during a given term, the Merit Board, as a quasi-judicial body and statutorily created legal entity, maintained at all times a clerical staff not unlike the Clerk of the Circuit Court ("Administrative Staff"). These Administrative Staff members receive and date stamp complaints, open a case file, assign a case number, and perform all of the functions typically handled by the circuit clerk's office. Just as a timely filed complaint would be accepted by the circuit clerk even if there were no properly appointed judges sitting on that particular day, so too was the instant Complaint with the Administrative Staff of the Merit Board. Accordingly, the Complaint filed on February 3, 2016 commenced the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

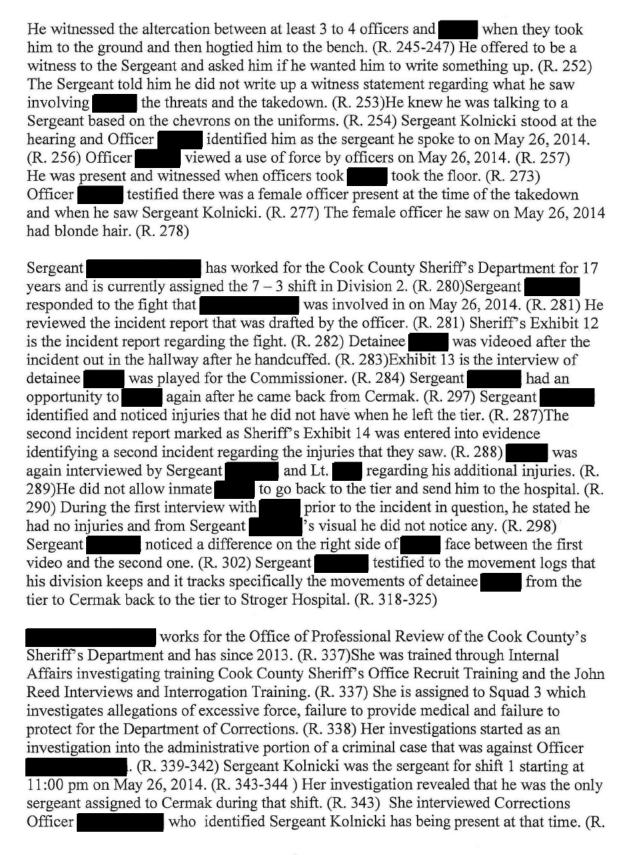
## **Findings of Fact**

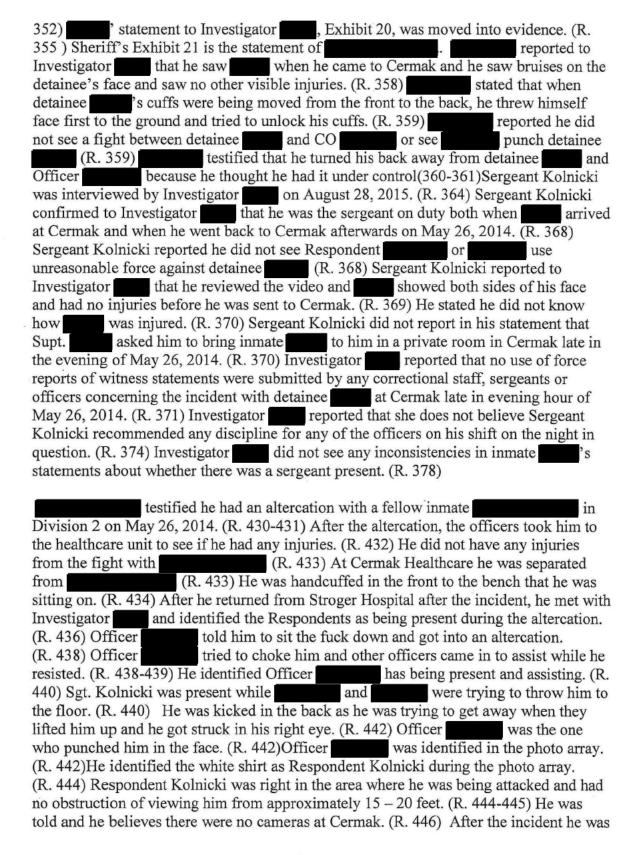
| The Sheriff filed a complaint on February 3, 2016. The Sheriff is requesting                  |
|---|
| termination of the Respondent. In the complaint, the Sheriff alleges that the Respondent or   |
| May 26, and May 27, 2014 witnessed the use of excessive force against detainee                |
| by Corrections Officer, and failed to intervene, failed to notify his                         |
| supervisor, failed to submit a witness statement or an incident report and failed to ensure   |
| compliance with department procedures. The complaint also alleges that he failed to           |
| recommend disciplinary action against for the use of excessive force and failed to            |
| recommend disciplinary action against corrections officers and                                |
| for failure to intervene and report the use of force by                                       |
| alleges that the Respondent falsely reported to the FBI that he did not witness the incident. |
| The complete allows wished and of Showiff's Order 11 2 1 0 Showiff's Order 11 2 2 0           |
| The complaint alleges violations of Sheriff's Order 11.2.1.0, Sheriff's Order 11.2.2.0        |
| Gen. Order 24.9.1.0, Sheriff's Order 11.2.20.0, Gen. Order 9.2.1, and Merit Board Rules and   |
| Regulations Article X, paragraph B.   |
|   |
| Witness testified he served in the military for 7-1/2 years. (R. 11) Mr.                      |
| while a detainee at Cook County Jail got into a fight with a detainee named                   |
| on May 26, 2014. (R. 11) Mr. described the scene of the waiting                               |
| room at Cermak. (R. 13)Mr. was handcuffed to the  |
| wall. (R. 13)Mr. saw two officers strike detainee in the stomach and                          |
| chest and he went down to his knees. (R. 16) Former Officer hit detainee                      |
| in the face. (R. 17) A white shirt senior officer was standing by while this assault on       |
| took place. (R. 18) There were a bunch of officers there watching. (R. 18) There              |
| are at least two officers watching Officer hit Mr. (R. 19) One was a                          |
| black officer and one was a spanish officer. (R. 19) Mr. identifies Officer and               |
| Respondent as one of the officers. (R. 19, 20) Respondent and the other officer               |
| were standing watching punch (R. 20) The entire assault on                                    |
| was witnessed by the two other officers. (R. 20) There was a female officer and               |
| another white shirt present. (R. 20, 21) The female officer and the white shirt were          |
| talking and laughing while was being assaulted. (R. 21) There was nothing                     |



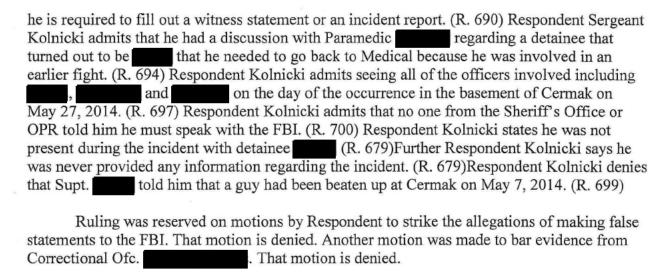








hogtied to the bench. Hogtied means having your hands handcuffed behind your back and your legs cuffed under the bench. (R. 449-450) After the incident, he saw a doctor and was taken to Stroger Hospital. (R. 451) After the incident, he was again recorded by showing the injuries. (R. 451) He was bleeding through his nose, his right eye was closed from swelling. (R. 452) He suffered a concussion, fractured right eye socket of the orbital wall. (R. 452) Respondent Sgt. Kolnicki escorted him to his meeting (R. 453) During his interview with Supt. he identified Sgt. Kolnicki as being present and watching the beating. (R. 453) testified she was working in Cermak on May 27, 2014. (R. 489) admits that she goes over to the men's side to help them when they are doing their count for cuffs and work together to get the counts when everyone's name is called off. (R. 493) admits to coming in contact with and stated that she believed his eye was red and puffy but she did not know which side. (R. 500) states that was with Officer when he approached and changed his handcuffs. (R. 508) She witnessed and Officer saw detainee and put him on the bench. (R. 510) about two to three hours later. (R. 515) When detainee came back describes his eye as bruised and really puffy. (R. 516) admits that she was the only female officer down in Cermak on the night in question. (R. 539) Meyers admits that Respondent Sergeant Kolnicki was the Watch Commander. (R. 539) She admits she was in the ER door with open sight to both Officer and detained when the cuffs were being changed. (R. 544) She was close enough and observation enough to hear Officer yell don't bite during the interaction between him and detainee Officer has been with the Cook County Sheriff's Department since March 2009. (R. 575) admits he was working the 11 to 7 shift at Cermak on May 27. states that detainee had scratches and red markings like he was in a fight when he first came to Cermak. (R. 580) states he did not hit, kick or see anybody hit or kick detainee (R. 599-600) t confirms that Respondent was standing in the doorway with a view of the incident. (R. 609) Respondent confirms that came back to the Cermak Hospital approximately two hours later with a sergeant. detainee (R. 611-612) states that he did see Sergeant Kolnicki in the building on May 27. 2014. (R. 662) Respondent Kolnicki testified he has been employed since 2007 with the Cook County Sheriff's Office. (R. 667) Respondent Kolnicki admits he was working the 11 to 7 shift on May 27, 2014. (R. 669) He was the only sergeant working that shift. (R. 669) Respondent Sergeant Kolnicki admits that he was moved to Division 5 directly after this incident and continues to maintain he knew nothing about it. (R. 681) Respondent Sergeant Kolnicki admits and confirms the testimony of inmate that states that Respondent Sergeant Kolnicki brought later when he returned from Stroger Hospital. (R. 687) Respondent Sergeant Kolnicki admits that when he escorted detainee to meet with Supt. he had a black eye. (R. 689) Respondent Kolnicki admits that if he is made aware of or witnesses a use of force



# Conclusion

Based upon the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Board finds that the Respondent did violate of Sheriff's Order 11.2.1.0, Sheriff's Order 11.2.2.0, Gen. Order 24.9.1.0, Sheriff's Order 11.2.20.0, Gen. Order 9.2.1, and Merit Board Rules and Regulations Article X, paragraph B. the key defense of Respondent was that he was not present during the incident, and therefore he was not guilty of violating any of the orders or rules and regulations. While facts are contested,, such as the logbook tending to indicate Respondent was not in the area of the incident at the time it occurred, the weight of the evidence shows through eyewitness identifications that the Respondent was present at the time of the incident with and. He was the only sergeant on duty at the time. Video evidence as well as witness testimony supports the allegations.

### Order

Wherefore, based on the foregoing, it is hereby ordered that Respondent Correctional Sgt. Ronald Kolnicki, Jr. be separated from the Cook County Sheriff's Office effective February 2, 2016.

